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# WILLIAMS & JENSEN

A PROFESSIONAL CORPORATION

LAWYERS

1101 CONNECTICUT AVENUE, N.W.

WASHINGTON, D. C. 20036

TELEPHONE

(202) 659-6201

June 7, 1984

PAUL ARNESON  
GEORGE D. BAKER  
WILLIAM T. BRACK  
PAUL T. CLARK  
ANN S. COSTELLO  
WINFIELD P. CRIGLER  
JUNE E. EDMONDSON  
JOHN P. FORD  
ROBERT E. GLENNON  
J. STEVEN HART  
ROBERT E. JENSEN  
JOHN J. McMACKIN, JR.  
GEORGE G. OLSEN  
CLIFTON PETER ROSE  
MARY LYNNE WHALEN  
J. D. WILLIAMS

Mr. Larry R. Strawderman  
Information and Privacy  
Coordinator  
Central Intelligence Agency  
Washington, DC 20505

Dear Mr. Strawderman:

Your letter of May 25, 1984, which requests further information in regard to this firm's Freedom of Information Act request (Reference No. [REDACTED], was not received until after this firm filed an appeal by letter dated May 29, 1984. The appeal is hereby withdrawn in order to respond to your letter of May 25 so that the searches for the requested information may be conducted.

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The names of the judges of the Supreme Court of Honduras, as requested in your May 25 letter, are as follows:

President (Chief Justice)	Carlos Manuel ARITA-PALOMO
Magistrates (Justices)	Marco Tulio CASTILLO-SANTOS Felipe PAREDES Edith R. de LOPEZ-CASTRO Arnoldo LOPEZ-HERRERA Erique RODRIGUEZ-CASTELLANOS Luis MENDOZA-FUGON Jose Antonio SUAZO-MEJIA Jose CISNE-REYES
Suplentes (Substitutes)	Rosendo CONTRERAS Ismael ZAPATA-ROSA Martin ALVARADO-ECHEVERRIA Jorge REYES-DIAZ Cesar TOME-RAPALO Marco Tulio ALVARADO Douglas Benedicto DIAZ-GARCIA

In the May 25 letter and in your June 5, 1984 letter regarding the status of the appeal, the information request is characterized as covering topics which "chiefly pertain to" or are

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"generally related to" the Honduran judicial system. Although that part of the request which refers to the judicial system is an important and integral part of the request, it is only one part. The request for information regarding specific individuals and entities in Honduras, which is also an important and integral part of the request, is distinct from the request for information regarding the judicial system.

Another matter of considerable importance raised in the May 25 letter concerns the nature and extent of the search effort to be conducted by your agency. You state, in part:

Further, we are not required to analyze a body of material to see if any of it is related to a specific event, activity, or incident.

Although we agree that an agency is not required to reorganize its files in response to a request, the production of a previously unsegregated class of documents can be required "where the agency [can] identify that material with reasonable effort." National Cable Television Association v. FCC, 479 F.2d 183, 192 (D.C. Cir. 1973). A refusal to conduct any analysis of a body of materials does not comport with FOIA search and retrieval standards.

We note that you have determined that items (2) and (5) in our request are "not searchable." Without agreeing with that assessment, and without waiving any rights of appeal in regard to the determination, we acknowledge that your search effort will not be designed to retrieve information specifically responsive to original items (2) and (5), although, as you mention, information responsive to item (4) also may be responsive to item (5). In order to include the lower courts in the request for information, please amend item (2) to read as follows:

(2) The treatment of U.S. corporations in the lower courts of Honduras, including litigation currently pending before the courts involving U.S. corporations and decisions rendered by the courts in cases involving U.S. corporations.

Regretfully, we are unable to provide the names of particular corporations and cases.

Your May 25 letter states that in order to conduct an effective search under the name of an individual, you need a full name, date and place of birth and nationality. The names supplied in the original request appear to be full names in most cases. The five men are living adults, currently involved in business and politics in Honduras. The dates of birth probably fall between 1904 and 1954. They are currently Honduran residents, but we do not know whether the places of birth and nationalities are also Honduran. The names of the judges of the Supreme Court of Honduras appear to be full names. The information on date and place of birth and nationality is the same as that for the five persons in the original request.

-3-

We respectfully object to your request for signed and notarized statements from these individuals authorizing the release of personal information. The Privacy Act, which makes the "prior written consent of the individual to whom the record pertains" a condition of disclosure also defines "individual" as:

. . . a citizen of the United States or an alien lawfully admitted for permanent residence.

5 U.S.C.A. § 552a(a)(2)(1970).

The Privacy Act therefore provides no basis for your request for an authorization statement.

The Freedom of Information Act provides an exemption for:

personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

5 U.S.C.A. § 552(b)(6)(1970).

In cases where protectible privacy interests are involved, information which meets this standard may be withheld. The exemption provides no basis for a request for an authorization statement prior to search.

Your May 25 letter refers to two records systems:

- (1) finished intelligence products and studies;  
and
- (2) internal operational correspondence and un-evaluated intelligence reporting.

You state that a search in the second system often takes up to two or more years. In order to obtain the requested information as soon as possible, we will limit the search request to the first system for the present. If little or no responsive information is uncovered, we may expand the search request to include the second system.

Finally, your May 25 letter states that you will be asking for a deposit of 50% of the estimated total search fees. You preliminarily estimate that these fees will exceed \$1000, as search fees for each item in a request usually are about \$100. Based on our experience over the years with various agencies, the \$100 per item estimate seems high. The Freedom of Information Act provides:

-4-

Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication.

5 U.S.C.A. § 552(a)(4)(A)(1970).

Please provide a breakdown and explanation of whatever estimated per item fee is applied to this request for purposes of the deposit.

Thank you for your time and attention.

Sincerely

By:

WILLIAMS & JENSEN, P.C.  
1101 Connecticut Avenue, N.W.  
Suite 500  
Washington, DC 20036  
(202) 659-8201

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June 7, 1984

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Sincerely

By:


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1101 Connecticut Avenue, N.W.  
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Williams & Jensen, P.C.  
1101 Connecticut Avenue, NW  
Suite 500  
Washington, DC 20036

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Dear 

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Your letter of 29 May 1984 was received on 31 May 1984. This letter constituted an appeal based upon our constructive denial of your 10 April 1984 Freedom of Information Act request for records on various topics (as listed), which chiefly pertain to the judicial system of Honduras via a vis United States corporations.

Accordingly, arrangements will be made for consideration of your appeal by the CIA Information Review Committee, and you will be advised of the determination made.

In order to process appeals in the most equitable manner possible, we have adopted the policy of treating appeals on a first-received, first-out basis. To date, we have a backlog of approximately 130 appeals awaiting completion. Because of this, some delay in our response must be expected, but your appeal will be completed as quickly as possible.

Sincerely,

/s/ Larry R. Strawderman

Larry R. Strawderman  
Information and Privacy Coordinator

  
STAT

**WILLIAMS & JENSEN**  
**A PROFESSIONAL CORPORATION**  
**LAWYERS**

1101 CONNECTICUT AVENUE, N.W.  
WASHINGTON, D. C. 20036

May 29, 1984

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GEORGE D. BAKER  
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TELEPHONE  
1202 311 8201

LOG/APPEAL

7 40 AM '84

Mr. Larry R. Strawderman  
Informator and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

**FREEDOM OF INFORMATION APPEAL**  
**Reference No.**

Dear

This appeal is directed to the CIA Information Review Committee pursuant to 32 C.F.R. § 1900.51. Copies of our request for information, dated April 10, 1984, and your response, dated April 24, 1984, are attached.

The Freedom of Information Act provides that:

Each agency . . . shall . . . determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor. . . .

5 U.S.C.A. § 552(a)(6)(A)(1970).

Although the response received from your office was dated within the applicable time limit, it fails to meet the substantive requirements of the provision quoted above. Rather than providing information as to whether the CIA would comply with the request, the response states:

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May 29, 1984

Page 2

Our analysts will review your request, and we will be in touch with you and advise of any problems we have encountered, or whether we can search for documents without any additional information.

The response does not include the statutorily required determination of whether the agency will make the requested records available.

We look forward to a determination with respect to this appeal and the underlying request within twenty working days, as provided in the Freedom of Information Act.

Sincerely,

By:

WILLIAMS & JENSEN, P.C.  
1101 Connecticut Avenue, NW  
Suite 500  
Washington, DC 20036  
(202) 659-8201

STAT

STAT

Enclosures

25 MAY 1984

[Redacted]  
[Redacted]

Dear [Redacted]

This is a follow-up to our letter of 24 April 1984 concerning your Freedom of Information Act (FOIA) request concerning a large number of topics generally related to the judicial system of the Republic of Honduras.

We are sorry, but without further information from you it will be difficult, if not impossible, to provide you with the records you are seeking. The FOIA provides for public access to reasonably described records, which means that a document must be described sufficiently to enable a professional employee familiar with the subject to locate the document without an unreasonable amount of effort. This, with few exceptions means that the documents must be locatable through the indexing to our various records systems. We are neither required nor authorized to perform research or create records on behalf of a requester. Further, we are not required to analyze a body of material to see if any of it is related to a specific event, activity, or incident.

Because of the structure of our records systems, FOIA searches must be limited to those that can be conducted for records that are indexed or maintained under the name of an individual, organization, title, or other specific entity.

Our determinations concerning the searchability of your request are as follows:

1. The Supreme Court of Honduras - searchable.
2. Judges of the Supreme Court - searchable, but the chances of our being able to locate records would be enhanced if you could provide their full names and other biographic information as discussed below.

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3. It is doubtful that your items (1)(c) through (e) are searchable. If you could provide the names of the U.S. corporations and the cases that are of interest to you, we could search on those items and then you could research any material located to determine if it applies to the specifics of your request.

4. Your item (2) is not searchable because it would require analysis and subjective decisions as to the responsiveness of any documents we may be able to locate concerning the judicial system.

5. It is doubtful that we would have any records indexed under the description of your item (3). Again, if you could tell us what proceedings are of interest to you, perhaps we could locate material responsive to the specific proceeding(s).

6. Abranam Bennaton Ramos.

7. Jaime Rosenthal.

8. Edwin Rosenthal.

9. Carlos Flores Faccusse.

10. Gustavo Adolfo Alfara.

11. Agencia Barrett S. de R.L.

12. El Tiempo

Note: There are some special requirements when the search is on an individual as stated below.

13. Your item (5) is not searchable. If we have any releasable material on these individuals, however, you can research it to determine if any of it provides information about the relationships of interest to you.

Before we can conduct an effective search of our files under the name of an individual, we need to have a full name and basic biographic data. At the very least, we need a date and place of birth and nationality. Without such information, it will be difficult or impossible for us to distinguish between different individuals with the same or similar names.

In addition, so that we can be sure there are no privacy considerations, we need to have a signed and notarized statement from the individual authorizing us to release personal information that otherwise would have to be withheld in the interest of protecting that person's privacy rights. These rights are described in the Privacy Act (5 U.S.C. 552a) and the



FOIA [5 U.S.C.552 (b)(6)]. If we should locate relevant records and did not have such an authorization, we might have to withhold information that is an unwarranted invasion of that person's privacy. If the individual is deceased, we require some evidence of death, such as a death certificate, an obituary, or press statement.

In order to avoid a search of our most backlogged system, you may wish to limit your request to just that information contained in finished intelligence products and studies. For your information, the records system in question is composed primarily of internal operational correspondence and unevaluated intelligence reporting. Requests involving records in this system often take up to two or more years to process, and the records are usually so sensitive and fragmented that most of the information has to be withheld.

As to your request to make this a continuing request, it is our policy to search for responsive documents in existence as of and through the date of our acceptance letter for each individual request. We believe this is fair to all requesters and does not result in added delays associated with the continual updating of searches.

Because of the sensitive nature of our records, it is necessary to perform extensive coordinations of any records located prior to release. Therefore, we do not provide partial responses except for humanitarian reasons or under life-threatening circumstances. Such treatment of one requester would not be fair to the approximately 3200 other requesters already waiting for their final responses.

As you are aware, the FOIA authorizes federal agencies to collect fees for records services. We are enclosing, therefore, a fee schedule for your guidance. You will note that processing charges involve search fees, including computer time where indices are computerized, and copying costs for documents deemed releasable.

In accordance with section (e) of the schedule, fees are assessable even if no records are found, or, if found, they are determined to be not releasable. This means you will be charged even if our search results are negative or if it is determined that no information is releasable under the exemptions of the FOIA.

We acknowledge your fee commitment of up to \$1000 for these searches. Since search fees for each item in a request usually are about \$100, total fees, depending on the number of items you add in your response, could total more than \$1000. We will be asking you for a deposit of 50% of the estimated total fees once we receive your response and determine the total number of searchable subjects. If you wish, we can obtain a more precise fee estimate for your request.

Although we are prepared to intitiate the appropriate searches once you have provided the additional information requested above, we believe you should be advised that it is doubtful that we have much if any responsive material releasable under the FOIA. We believe you would be better served to make a similar request to the Department of State or the Department of Commerce. These departments have primary responsibility concerning commercial matters with other nations.

We are holding your request in abeyance pending our receipt of your reply to this letter.

Sincerely,

Larry R. Strawderman  
Information and Privacy Coordinator

Enclosure



STAT

**24 APR 1984**

[redacted]  
Williams & Jensen  
A Professional Corporation  
Lawyers  
1101 Connecticut Avenue, NW  
Washington, DC 20036

STAT

Dear [redacted]

STAT

Your letter of April 10, 1984 requesting documents under the provisions of the Freedom of Information Act has been received in the office of the Information and Privacy Coordinator. Our analysts will review your request, and we will be in touch with you and advise of any problems we have encountered, or whether we can search for documents without any additional information.

Your request has been assigned Reference No. [redacted] for identification purposes.

STAT

Sincerely,

**/s/ Larry R. Strawderman**

Larry R. Strawderman  
Information and Privacy Coordinator

STAT

IPD Registry

**WILLIAMS & JENSEN**  
**A PROFESSIONAL CORPORATION**

LAWYERS

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CLIFTON PETER ROSE  
MARY LYNNE WHALEN  
J. D. WILLIAMS

April 10, 1984

CIA Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

THIS IS A FREEDOM OF INFORMATION REQUEST AND  
NOT A MERE INTENDED EXPRESSION OF INTEREST

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. §552, and the regulations of the Central Intelligence Agency, 32 C.F.R. Part 1900, this firm hereby requests that you make promptly available to the undersigned, for the purpose of inspection and copying, the following files and records:

All documents and other materials (including but not limited to all reports, communiques, internal correspondence, memoranda and exhibits thereto, cables, telexes, etc.) in the possession, custody, or control of the Central Intelligence Agency, any unit or agency of the Central Intelligence Agency, or any officer or employee thereof (collectively referred to hereinafter as the "Agency") which embody, refer to, or relate to:

- (1) The Supreme Court of the Republic of Honduras including (a) the judges on the Court; (b) its conduct and operation; (c) the Court's treatment of U.S. corporations involved in litigation before it; (d) litigation currently pending before the Court involving U.S. corporations; and (e) decisions rendered by the Court involving U.S. corporations.
- (2) The due process and fairness of treatment of U.S. corporations by the judicial system of the Republic of Honduras including the lower courts as well as the Supreme Court of Justice.

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- (3) Legal proceedings brought under the Honduran Law Governing Representatives and Distributors of Commercial Firms (enacted October 13, 1970) involving U.S. corporations.
- (4) Any biographical or informational records with respect to the following persons or entities in the Republic of Honduras:
  - (a) Abraham Bennaton Ramos,
  - (b) Jaime Rosenthal,
  - (c) Edwin Rosenthal,
  - (d) Carlos Flores Faccusse,
  - (e) Gustavo Adolfo Alfara,
  - (f) Agencia Barrett S. de R.L.,
  - (g) El Tiempo.
- (5) Relationships, formal or informal, among the persons and entities enumerated in ¶4 with one another and/or with officials of the government and judiciary of the Republic of Honduras.

This request encompasses all documents originated or received by the Agency within the past ten (10) calendar years.

In the event any of the requested material is deemed exempt from mandatory disclosure, we respectfully request that the Central Intelligence Agency exercise its discretion and grant the requested access. However, if all or any part of this request is denied, please cite the specific exemption(s) which the Agency believes justifies its refusal to release the information.

We further request that files and records be made available to us promptly as they are located, rather than waiting for all requested material to be assembled.

This request is a continuing one, encompassing all such material which may hereafter be created or come within the possession, custody or control of the Agency.

Pursuant to 32 C.F.R. §1900.25(b), we are willing to pay an amount sufficient to cover the necessary search fees to an amount not in excess of one thousand dollars (\$1,000.00). Please advise the undersigned promptly if estimated search fees will be in excess of this amount.

-3-

We would appreciate your handling this request as quickly as possible, and we look forward to a response within ten days, as the Freedom of Information Act stipulates.

Sincerely,

By:

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